

# Order

Michigan Supreme Court  
Lansing, Michigan

October 14, 2005

Clifford W. Taylor,  
Chief Justice

128294  
128533

Michael F. Cavanagh  
Elizabeth A. Weaver  
Marilyn Kelly  
Maura D. Corrigan  
Robert P. Young, Jr.  
Stephen J. Markman,  
Justices

PEOPLE OF THE STATE OF MICHIGAN,  
Plaintiff-Appellant,

v

SC: 128294  
COA: 246706  
Wayne CC: 02-004374

JOEZELL WILLIAMS II,  
Defendant-Appellee.

---

PEOPLE OF THE STATE OF MICHIGAN,  
Plaintiff-Appellee,

v

SC: 128533  
COA: 246706  
Wayne CC: 02-004374

JOEZELL WILLIAMS II,  
Defendant-Appellant.

---

On order of the Court, the applications for leave to appeal the January 27, 2005 judgment of the Court of Appeals are considered and, pursuant to MCR 7.302(G)(1), we direct the Clerk to schedule oral argument on whether to grant the applications or take other peremptory action permitted by MCR 7.302(G)(1). We further order the Wayne County Court to appoint Neil J. Leithauser to represent the defendant in this Court.

The parties shall file supplemental briefs within 28 days of the date of this order, and are directed to include among the issues briefed: (1) whether *People v Bigelow*, 229 Mich App 218 (1998), was decided correctly, (2) whether, if the rule in *Bigelow* is followed, but the felony murder conviction is reversed or vacated on appeal or in habeas proceedings, there are important real-world consequences that flow from the prior vacating of the predicate felony underlying the subject felony murder conviction, and (3) in particular, whether a previously vacated predicate felony can be “revived” if the felony murder conviction is reversed or vacated on appeal or in habeas proceedings.

The Prosecuting Attorneys Association of Michigan and the Criminal Defense Attorneys of Michigan are invited to file briefs amicus curiae on the issues stated above.



s1010

I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

October 14, 2005

A handwritten signature in cursive script that reads "Corbin R. Davis".

Clerk